

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

C.J. SCHILLING,

Plaintiff,

v.

CROT TRANSPORT INC., CARLOS
RODRIGUEZ GARCIA, JULIO GARCIA
GONZALES and CASTLEPOINT FLORIDA
INSURANCE COMPANY, a foreign corporation and
non-resident insurance company doing business in New Mexico.

Defendants.

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TO: UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

COMES NOW Defendant CASTLEPOINT FLORIDA INSURANCE COMPANY, by and through their attorneys of record, Butt Thornton & Baehr, PC (Candace J. Cavanaugh), and as grounds for removal to this Court, state as follows:

1. Plaintiff, C.J. SCHILLING, filed their *Complaint for Personal Injuries, Money Damages and Punitive Damages* against Defendants, CROT TRANSPORT INC., CARLOS RODRIGUEZ GARCIA, JULIO GARCIA GONZALES and CASTLEPOINT FLORIDA INSURANCE COMPANY, in the Fourth Judicial District Court, County of Guadalupe, State of New Mexico, on August 8, 2011 and an *Amended Complaint for Personal Injuries, Money Damages and Punitive Damages* on October 17, 2011. Copies of the original Complaint, Amended Complaint and Summonses are attached hereto as Exhibits A, B and C, respectively.

The case was docketed as *C.J. Schilling, Plaintiff, v. Crot Transport Inc., Defendant*, Cause No. D-0424-CV-2011-00052.

a. Service was made on Defendant CASTLEPOINT FLORIDA INSURANCE COMPANY on November 15, 2011.

2. In Plaintiff's Complaint, he asserts a cause of action against Defendants, CROT TRANSPORT INC., CARLOS RODRIGUEZ GARCIA, JULIO GARCIA GONZALES and CASTLEPOINT FLORIDA INSURANCE COMPANY, for negligence.

3. Removal is proper because this Court has jurisdiction over this matter pursuant to 28 USC §1332(a).

4. Removal is timely because Defendant CASTLEPOINT FLORIDA INSURANCE COMPANY was served with the Amended Complaint on November 15, 2011. Therefore, this Notice of Removal is filed within 30 days of Defendant CASTLEPOINT FLORIDA INSURANCE COMPANY's first receipt of Plaintiff's Amended Complaint.

5. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. See 28 USC §1446(a)

WHEREFORE, Defendant CASTLEPOINT FLORIDA INSURANCE COMPANY, prays that the above-entitled action be removed from the Fourth Judicial District Court, County of Guadalupe, State of New Mexico, to this United States District Court for the District of New Mexico.

BUTT THORNTON & BAEHR PC

/s/ Candace J. Cavanaugh
Candace J. Cavanaugh
Attorneys for *Defendants*
P.O. Box 3170
Albuquerque, NM 87190
(505) 884-0777

I HEREBY CERTIFY that on the 9th day of December, 2011, I filed the foregoing electronically through the CM/ECF system.

AND I FURTHER CERTIFY that on such date, I served the foregoing on the following non-CM/ECF participants in via first class mail, postage prepaid addressed as follows:

Robert C. Gutierrez, Esq.
Will Ferguson & Associates
10090 Coors Blvd. NW, Suite A
Albuquerque, NM 87114

/s/ Candace J. Cavanaugh
Candace J. Cavanaugh